



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 15 2002

Mr. Ron Pedde, Director
Water Permit and Resource Management Division (MC-145)
Texas Natural Resource Conservation Commission (TNRCC)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Pedde:

The Environmental Protection Agency (EPA) has completed its review of the request for an extension to a temporary variance to the Texas Water Quality Standards (WQS) [§307, Texas Surface Water Quality Standards, adopted June 14, 1995], which was submitted to EPA for review and approval, as required by 40 CFR §131.20. The variance extension applies to the dissolved oxygen standards for Main Ditch C, which is an unclassified perennial water body in segment 0702 in the Neches-Trinity Coastal Basin.

Main Ditch C and the other perennial canals in Jefferson County Drainage District No. 7 are currently designated with an intermediate aquatic life use (Appendix D of TX WQS). TNRCC has performed a Use Attainability Analysis (UAA), which shows that a dissolved oxygen criteria of 3 mg/l is appropriate for these canals. The UAA has been reviewed by EPA and is "approvable." The aquatic life use will remain as intermediate. The proposed permit (TPDES #10483) contains the variance extension for the dissolved oxygen standards. During the variance extension period, the permittee will be required to meet technology-based limits (as issued in previous permits) and to conduct acute and chronic biomonitoring tests. If site-specific criteria are not adopted by Texas, the City of Nederland may apply for a compliance period to make additional modifications. The permit and the variance extension will expire on November 11, 2002.

EPA has also completed informal consultation on the variance extension request with the U.S. Fish and Wildlife Service (FWS) under §7 of the Endangered Species Act. The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." The FWS concurred with EPA's finding that approval of the temporary variance extension is not likely to adversely affect endangered/threatened species or critical habitat.

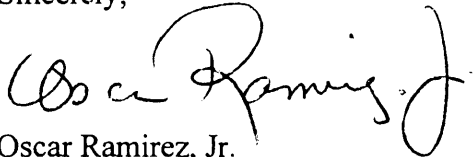
The State Attorney General has previously certified that the variance provision in the Texas WQS was duly adopted pursuant to State law. Public participation was completed through the comment period on the proposed permit. The federal regulation for public participation (40

CFR §25.5(b)) states that public notification must occur 45 days prior to the date of a hearing. It also states that the notification period may be reduced to 30 days when EPA determines that there are no complex or controversial matters to be addressed. EPA has decided that the 30-day notification period is sufficient for this variance request, as the temporary change to standards only applies to one specific water body. TNRCC received no comments on the extension to the temporary variance or requests for a public hearing.

EPA considers the issuance of the variance extension, in conjunction with the public review and comment process completed by TNRCC, to be consistent with and satisfy, the procedural requirements of 40 CFR §131.20. EPA is hereby approving the variance extension identified above, pursuant to §303(c) of the Clean Water Act and the implementing regulations at 40 CFR Part 131.

If you have any questions, please contact me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

A handwritten signature in black ink, appearing to read "Oscar Ramirez, Jr.", with a stylized flourish at the end.

Oscar Ramirez, Jr.
Acting Division Director
Water Quality Protection Division

cc: Jim Davenport, TNRCC - Water Quality Assessment Section (MC-150)
Kent Trede, TNRCC - Wastewater Permits Section (MC-148)

Robert J. Huston, *Chairman*
R. B. Ralph Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saltas, *Executive Director*



RECEIVED

JUN 12 PM 1:30

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

June 8, 2000

Mr. Richard Hoppers
6WQ-P
United States Environmental Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Attn: Ms. Diane Evans

Re: Proposed TPDES Permit No. 10483-002 (TX0026476)
City of Nederland

Dear Mr. Hoppers:

This letter is to request your approval of a temporary variance to the existing dissolved oxygen criterion for Main Ditch C. The City of Nederland wastewater treatment plant is located in Harris County and the discharge route is as follows:

to Main Ditch C; thence to Main Ditch B; thence to Main Outfall Canal; thence to Alligator Bayou; thence to Taylor Bayou; thence to Intracoastal Waterway Tidal in Segment No. 0702 of the Neches-Trinity Coastal Basin.

The TNRCC Water Quality Assessment Section noted that, according to 30 TAC Chapter 307, Main Ditch C is assigned an intermediate aquatic life use. A Receiving Water Assessment (RWA) performed for the city's renewal application indicated that a limited aquatic life use was appropriate for the receiving water. Therefore, the draft permit contains the extension of the temporary variance to the existing dissolved oxygen water quality standard in 30 TAC Chapter 307 pending a revision to the rule to assign a limited aquatic life use to the ditch. The extension of the variance was originally issued on November 11, 1997, for a period of 5 years. I have enclosed a copy of the public notice with the appropriate language regarding the variance and the completed affidavit for the publishing of that notice. There are no public comments or requests for a public meetings or hearing. If you require any additional information, please feel free to contact me at (512) 239-4564 or Kent H. Trede at (512) 239-1747.

Sincerely,

A handwritten signature in cursive script that reads "Jill Russell".

Jill Russell, Acting Manager
Wastewater Permitting Section (MC-148)

cc: Mr. Jack V. Ferguson, P.E., Chief, NPDES Permits Branch (6WQ-P), United States
Environmental Protection Agency - Region 6; 1455 Ross Avenue, Dallas, Texas 75202-2733
TNRCC Region 15

Enclosures (2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 15 2001

Mr. Ron Pedde, Director
Water Permit and Resource Management Division (MC-145)
Texas Natural Resource Conservation Commission (TNRCC)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Pedde:

The Environmental Protection Agency (EPA) has completed its review of the request for a temporary variance to the Texas Water Quality Standards (WQS) [§307, Texas Surface Water Quality Standards, adopted June 14, 1995], which was submitted to EPA for review and approval, as required by 40 CFR §131.20. The variance applies to the dissolved oxygen standards for a drainage ditch in segment 2202 in the Nueces-Rio Grande Coastal Basin.

The drainage ditch is an unclassified, perennial water body, which currently has a presumed high aquatic life use (§307.4(h)(1) of TX WQS). TNRCC has performed a Use Attainability Analysis (UAA), which shows that the limited aquatic life use is appropriate for these ditches. The UAA has been reviewed by EPA and is "approvable." The proposed three-year permit (TPDES #10473) contains the variance to the standards for dissolved oxygen. During the three-year variance period, the permittee will be required to meet technology-based limits (as issued in previous permits) and to conduct acute and chronic biomonitoring tests. If site-specific criteria are not adopted by Texas, the City of San Benito may apply for a compliance period to make additional modifications.

EPA has also completed informal consultation on the variance request with the U.S. Fish and Wildlife Service (FWS) under §7 of the Endangered Species Act. The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." The FWS concurred with EPA's finding that approval of the temporary variance is not likely to adversely affect endangered/threatened species or critical habitat.

The State Attorney General has previously certified that the variance provision in the Texas WQS was duly adopted pursuant to State law. Public participation was completed through the comment period on the proposed permit. The federal regulation for public participation (40 CFR §25.5(b)) states that public notification must occur 45 days prior to the date of a hearing. It also states that the notification period may be reduced to 30 days when EPA determines that there are no complex or controversial matters to be addressed. EPA has decided that the 30-day notification period is sufficient for this variance request, as the temporary change to standards

only applies to one specific water body. TNRCC received no comments on the temporary variance or requests for a public hearing.

EPA considers the issuance of the variance, in conjunction with the public review and comment process completed by TNRCC, to be consistent with and satisfy, the procedural requirements of 40 CFR §131.20. EPA is hereby approving the variance identified above, pursuant to §303(c) of the Clean Water Act and the implementing regulations at 40 CFR Part 131.

If you have any questions, please contact me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

A handwritten signature in black ink, reading "Oscar Ramirez, Jr." with a stylized flourish at the end.

Oscar Ramirez, Jr.
Acting Division Director
Water Quality Protection Division

cc: Jim Davenport, TNRCC - Water Quality Assessment Section (MC-150)
Julian Centeno, TNRCC - Wastewater Permits Section (MC-148)

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

December 2, 1999

Mr. Bill Hathaway
6WQ-P
United States Environmental Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Attention: Ms. Diane Evans

Re: Proposed TPDES Permit Number 10473-002, (TX0047601)
City of San Benito

Dear Mr. Hathaway:

This letter is to request your approval of a temporary variance to the existing dissolved oxygen criterion of the drainage ditch into which the City of San Benito Wastewater Treatment Facility discharges. The City of San Benito is in Cameron County and the discharge route is as follows:

to a drainage ditch; thence to Arroyo Colorado Above Tidal in Segment No. 2202 of the Nueces-Rio Grande Coastal Basin.

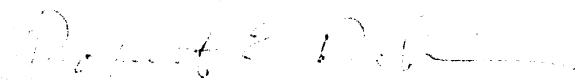
The TNRCC Water Quality Assessment Section noted that the ditch into which the City discharges was assigned a high aquatic life use. A Receiving Water Assessment (RWA) performed for the receiving water of the City of Pharr's wastewater treatment plant indicated that a limited aquatic life use was appropriate for their receiving waters. The City of Pharr discharges into a ditch similar to the one into which the City of San Benito discharges; therefore, the aquatic life use is assumed to be similar. Attached is a copy of the letter of transmittal of the use-attainability analysis (UAA) and a copy of the UAA without the appendices for drainage canals in Willacy, Cameron and Hidalgo.

The subject draft permit contains a temporary variance to the existing dissolved oxygen water quality standard in 30 TAC Chapter 307 pending a revision to the rule to assign a limited aquatic life use to the ditch.

Mr. Bill Hathaway
December 2, 1999
Page 2

I have enclosed a copy of the temporary variance request from the permittee and the affidavit for the public notice. There are no public comments or requests for a public meeting or hearing. If you require any additional information, please feel free to contact me at (512) 239-5553 or Julian D. Centeno, Jr. at (512) 239-4608.

Sincerely,



Robert E. Robinson, P.E., Manager
Wastewater Permitting Section (MC 148)

Enclosures

cc: Mr. Jack V. Ferguson, P.E., Chief, NPDES Permits Branch (6WQ-P), United States Environmental Protection Agency - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733
TNRCC Region 15



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

APR 24 2000

Mr. Ron Pedde, Director
Water Permit and Resource Management Division (MC-145)
Texas Natural Resource Conservation Commission (TNRCC)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Pedde:

The Environmental Protection Agency (EPA) has completed its review of the request for an extension to a temporary variance to the Texas Water Quality Standards (WQS) [§307, Texas Surface Water Quality Standards, adopted June 14, 1995], which was submitted to EPA for review and approval, as required by 40 CFR §131.20. The variance applies to the dissolved oxygen standards for the Pease River (segment 0202) in the Red River Basin. Rhodia Inc. (Permit No. 02537) conducted a Use Attainability Analysis (UAA) which recommends a reclassification of the aquatic life use and dissolved oxygen criteria for this segment. TNRCC has proposed revisions to the WQS based on the UAA.

During the variance extension period, the permittee will be required to meet technology-based limits (as issued in previous permits) and to conduct acute and chronic biomonitoring tests. This permit will expire with the current state permit on July 5, 2000. The variance extension, which will expire on July 5, 2001, may be included in the next TPDES permit, but will not extend past this date. If the use and criteria changes are not adopted by Texas, effluent limitations based on the current standard for dissolved oxygen will become effective in the next permit.

EPA has also completed informal consultation on the variance request with the U.S. Fish and Wildlife Service (FWS) under §7 of the Endangered Species Act. The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." The FWS concurred with EPA's finding that approval of the temporary variance is not likely to adversely affect endangered/threatened species or critical habitat. A separate consultation will occur on the UAA.

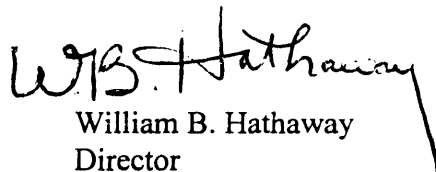
The State Attorney General has previously certified that the variance provision in the Texas WQS was duly adopted pursuant to State law. Public participation was completed through the comment period on the proposed permit. The federal regulation for public participation (40 CFR §25.5(b)) states that public notification must occur 45 days prior to the date of a hearing. It also states that the notification period may be reduced to 30 days when EPA determines that

there are no complex or controversial matters to be addressed. EPA has decided that the 30-day notification period is sufficient for this variance request, as the temporary change to standards only applies to one specific water body. TNRCC received no comments on the temporary variance or requests for a public hearing.

EPA considers the issuance of the variance, in conjunction with the public review and comment process completed by TNRCC, to be consistent with and satisfy, the procedural requirements of 40 CFR §131.20. EPA is hereby approving the variance identified above, pursuant to §303(c) of the Clean Water Act and the implementing regulations at 40 CFR Part 131.

If you have any questions, please contact me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

A handwritten signature in black ink, appearing to read "W.B. Hathaway". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

William B. Hathaway
Director

Water Quality Protection Division (6WQ)

cc: Jim Davenport, TNRCC - Water Quality Assessment Section (MC-150)
Cindy Lee, TNRCC - Wastewater Permits Section (MC-148)

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



RECEIVED
OCT 29 1999

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 28, 1999

Mr. Bill Hathaway
6WQ-P
United States Environment Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Attention: Ms. Diane Evans

Re: Rhodia Inc. - TPDES Permit No. 02537 (EPA I.D. No. TX0088781)

Dear Mr. Hathaway:

This letter is to request your approval of a temporary variance extension to the Texas Surface Water Quality Standards (TSWQS) for TPDES Permit No. 02537. A Texas Natural Resource Conservation Commission's (TNRCC) permit was issued in July 5, 1995 granting a temporary variance for dissolved oxygen for the Pease/North Fork Pease River in Segment No. 0220 of the Red River Basin. The permittee submitted a use attainability analysis as part of the permit application and the agency concurs that the proposed revision to the use of the receiving stream is appropriate. Approval of the site specific standard for dissolved oxygen for the Pease/North Fork Pease River and for the temporary variance extension has been recommended by the TNRCC's Water Quality Standards Team.

As you requested, I have enclosed a copy of the temporary variance extension request from the permittee, the affidavit for the public notice, the memo from the Water Quality Standards Team, and the Executive Director's Response to Comments. If you require any additional information, please feel free to contact me at (512) 239-5553.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert E. Robinson".

Robert E. Robinson, P.E.
Manager
Wastewater Permitting Section (MC-148)

RER/cal

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAR 06 2000

Mr. Ron Pedde, Director
Water Permit and Resource Management Division (MC-145)
Texas Natural Resource Conservation Commission (TNRCC)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Pedde:

The Environmental Protection Agency (EPA) has completed its review of the request for temporary variances to the Texas Water Quality Standards (WQS) [§307, Texas Surface Water Quality Standards, adopted June 14, 1995], which was submitted to EPA for review and approval, as required by 40 CFR §131.20. The variance applies to the dissolved oxygen standards for South Mayde Creek and Bear Creek, in segment 1014 of the San Jacinto River Basin.

Bear Creek and South Mayde Creek are unclassified, perennial waterbodies, which currently have a presumed high aquatic life use (§307.4(h)(1) of TX WQS) for the reaches located within Addicks Reservoir. TNRCC has performed a Use Attainability Analysis (UAA) on both streams. The UAA showed that the intermediate life use is appropriate for these reaches of Bear Creek and South Mayde Creek. The proposed three-year permits (TPDES #12209, #12802, #12834) contain variances to the standards for dissolved oxygen (portions of permits enclosed). During the three-year variance period, the permittee will be required to meet limits for carbonaceous oxygen demand, total suspended solids, and ammonia, based on modeling for the standards established in the UAA. If site-specific criteria are not adopted by Texas, the Harris County Municipal Utility District facilities will not be allowed to discharge and each may apply for a compliance period to make additional modifications.

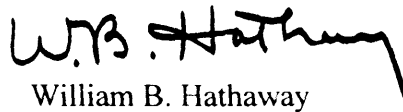
EPA has also completed informal consultation on the variances with the U.S. Fish and Wildlife Service (FWS) under §7 of the Endangered Species Act. The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." The FWS concurred with EPA's finding that approval of the temporary variances is not likely to adversely affect endangered/threatened species or critical habitat.

The State Attorney General has previously certified that the variance provision in the Texas WQS was duly adopted pursuant to State law. Public participation was completed through the comment period on the proposed permits. The federal regulation for public participation (40 CFR §25.5(b)) states that public notification must occur 45 days prior to the date of a hearing. It also states that the notification period may be reduced to 30 days when EPA determines that there are no complex or controversial matters to be addressed. EPA has decided that the 30-day notification period is sufficient for this variance request, as the temporary changes to standards only apply to specific water bodies. TNRCC received no comments on the temporary variances or requests for a public hearing.

EPA considers the issuance of the variances, in conjunction with the public review and comment process completed by TNRCC, to be consistent with and satisfy, the procedural requirements of 40 CFR §131.20. EPA is hereby approving the variances identified above, pursuant to §303(c) of the Clean Water Act and the implementing regulations at 40 CFR Part 131.

If you have any questions, please contact me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

A handwritten signature in black ink, appearing to read "W.B. Hathaway", with a stylized flourish at the end.

William B. Hathaway

Director

Water Quality Protection Division (6WQ)

cc: Jim Davenport, TNRCC - Water Quality Assessment Section (MC-150)
Curtis Seaton, TNRCC - Wastewater Permits Section (MC-148)

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

January 20, 2000

CERTIFIED MAIL

U.S. Environmental Protection Agency
Region 6
Attention: Sharon Parrish (6WQ-EW)
1445 Ross Avenue
Dallas, Texas 75202

Re: Request for Approval of Water Quality Variances

Dear Ms. Parrish:

This letter acts as a formal request from the Texas Natural Resource Conservation Commission (TNRCC) for the approval by the Environmental Protection Agency (EPA) of water quality variances for TNRCC Permit Nos. WQ0012209-001 (TX00825010), WQ0012802-001 (TX0093891), and WQ0012834-001 (TX0094307). The Technical Summary/Statement of Basis, the draft permits, as well as the modeling and standards memos generated as part of the permit application processing have been included for review. In addition, letters from the EPA and the U.S. Fish and Wildlife Service regarding their review of the use attainability analysis (UAA) for Bear Creek and South Mayde Creek in Segment No. 1014 of the San Jacinto River Basin have been included.

Please review and provide any written comments, objections or recommendations with respect to the variance request within 30 days from the receipt of this request. We are requesting that you prioritize WQ0012834-001 (TX0094307) during your review. If you need additional information or have any questions, please call Curtis Seaton of the Municipal Permits Team at (512) 239-4565. The Wastewater Permitting Section fax number is (512) 239-4430. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert E. Robinson".

Robert E. Robinson, P.E., Manager
Wastewater Permitting Section (MC 148)

cc: TNRCC Region 12

attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

FEB 10 1998

Mr. Ron Pedde, Director
Water Permit and Resource Management Division (MC-145)
Texas Natural Resource Conservation Commission (TNRCC)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Pedde:

The Environmental Protection Agency (EPA) has completed its review of the request for a temporary variance to the Texas Water Quality Standards (WQS) [§307, Texas Surface Water Quality Standards, adopted June 14, 1995], which was submitted to EPA for review and approval, as required by 40 CFR §131.20. The variance applies to the copper standards for the West Fork of the Trinity River (segment 0806) of the Trinity River Basin. The TXU Electric Company (Permit No. 00555) is developing site-specific aquatic life criteria for copper. During the three-year variance period, the permittee will be required to meet technology-based limits for copper and to conduct acute biomonitoring tests. If site-specific criteria are not adopted by Texas or the permittee fails to complete the study for the site-specific criteria, effluent limitations based on the current standards for copper will become effective in the next permit.

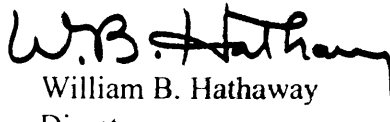
EPA has also completed informal consultation on the variance request with the U.S. Fish and Wildlife Service (FWS) under §7 of the Endangered Species Act. The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." The FWS concurred with EPA's finding that approval of the temporary variance is not likely to adversely affect endangered/threatened species or critical habitat. A separate consultation will occur on the site-specific criteria for copper.

The State Attorney General has previously certified that the variance provision in the Texas WQS was duly adopted pursuant to State law. Public participation was completed through the comment period on the proposed permit. The federal regulation for public participation (40 CFR §25.5(b)) states that public notification must occur 45 days prior to the date of a hearing. It also states that the notification period may be reduced to 30 days when EPA determines that there are no complex or controversial matters to be addressed. EPA has decided that the 30-day notification period is sufficient for this variance request, as the temporary change to standards only applies to one specific water body. TNRCC received no comments on the temporary variance or requests for a public hearing.

EPA considers the issuance of the variance, in conjunction with the public review and comment process completed by TNRCC, to be consistent with and satisfy, the procedural requirements of 40 CFR §131.20. EPA is hereby approving the variance identified above, pursuant to §303(c) of the Clean Water Act and the implementing regulations at 40 CFR Part 131.

If you have any questions, please contact me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

A handwritten signature in black ink, appearing to read "W.B. Hathaway". The signature is fluid and cursive, with the last name "Hathaway" being more prominent.

William B. Hathaway
Director

Water Quality Protection Division (6WQ)

cc: Jim Davenport, TNRCC - Water Quality Assessment Section (MC-150)
Nicole Janak, TNRCC - Wastewater Permits Section (MC-148)

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

Mr. Bill Hathaway
6WQ-P
United States Environment Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Attention: Ms. Diane Evans

Re: TXU Electric Company - TPDES Permit No. 00555 (EPA I.D. No. TX0001155)

Dear Mr. Hathaway:

This letter is to request your approval of a temporary variance to the Texas Surface Water Quality Standards (TSWQS) for copper in West Fork Trinity River for TPDES Permit No. 00555. Approval of the temporary variance has been recommended by the Texas Natural Resource Conservation Commission's (TNRCC) Water Quality Standards Team.

As you requested, I have enclosed a copy of the temporary variance request from the permittee and the affidavit of the public notice. There were no public comments or requests for a public meeting or public hearing. If you require any additional information, please feel free to contact me at (512) 239-5553.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. E. Robinson", with a long horizontal flourish extending to the right.

Robert E. Robinson, P.E., Manager
Wastewater Permitting Section (MC-148)

RER/nj

Enclosures

Received

JAN 25 2000

6WQ-PP



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

FEB 11 2000

Mr. Ron Pedde, Director
Water Permit and Resource Management Division (MC-145)
Texas Natural Resource Conservation Commission (TNRCC)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Pedde:

The Environmental Protection Agency (EPA) has completed its review of the request for a temporary variance to the Texas Water Quality Standards (WQS) [§307, Texas Surface Water Quality Standards, adopted June 14, 1995], which was submitted to EPA for review and approval, as required by 40 CFR §131.20. The variance applies to the copper standards for the Lake Creek Reservoir in segment 1242 of the Brazos River Basin. The TXU Electric Company (Permit No. 00954) is developing site-specific aquatic life criteria for copper. During the three-year variance period, the permittee will be required to meet technology-based limits for copper and to conduct acute and chronic biomonitoring tests. If site-specific criteria are not adopted by Texas or the permittee fails to complete the study for the site-specific criteria, effluent limitations based on the current standards for copper will become effective in the next permit

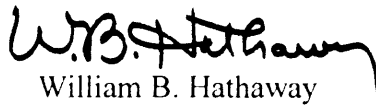
EPA has also completed informal consultation on the variance request with the U.S. Fish and Wildlife Service (FWS) under §7 of the Endangered Species Act. The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." The FWS concurred with EPA's finding that approval of the temporary variance is not likely to adversely affect endangered/threatened species or critical habitat. A separate consultation will occur on the site-specific criteria for copper.

The State Attorney General has previously certified that the variance provision in the Texas WQS was duly adopted pursuant to State law. Public participation was completed through the comment period on the proposed permit. The federal regulation for public participation (40 CFR §25.5(b)) states that public notification must occur 45 days prior to the date of a hearing. It also states that the notification period may be reduced to 30 days when EPA determines that there are no complex or controversial matters to be addressed. EPA has decided that the 30-day notification period is sufficient for this variance request, as the temporary change to standards only applies to one specific water body. TNRCC received no comments on the temporary variance or requests for a public hearing.

EPA considers the issuance of the variance, in conjunction with the public review and comment process completed by TNRCC, to be consistent with and satisfy, the procedural requirements of 40 CFR §131.20. EPA is hereby approving the variance identified above, pursuant to §303(c) of the Clean Water Act and the implementing regulations at 40 CFR Part 131.

If you have any questions, please contact me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

A handwritten signature in black ink, appearing to read "W.B. Hathaway", with a stylized flourish at the end.

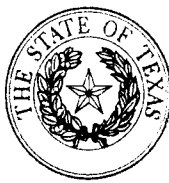
William B. Hathaway

Director

Water Quality Protection Division (6WQ)

cc: Jim Davenport, TNRCC - Water Quality Assessment Section (MC-150)
Nicole Janak, TNRCC - Wastewater Permits Section (MC-148)

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

January 14, 2000

Mr. Bill Hathaway
6WQ-P
United States Environment Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Attention: Ms. Diane Evans

Re: Texas Utilities Electric Company - TPDES Permit No. 00954 (EPA I.D. No. TX0001058)

Dear Mr. Hathaway:

This letter is to request your approval of a temporary variance to the Texas Surface Water Quality Standards (TSWQS) for copper in Lake Creek Reservoir for TPDES Permit No. 00954. Approval of the temporary variance has been recommended by the Texas Natural Resource Conservation Commission's (TNRCC) Water Quality Standards Team.

As you requested, I have enclosed a copy of the temporary variance request from the permittee and the affidavit of the public notice. There were no public comments or requests for a public meeting or public hearing. If you require any additional information, please feel free to contact me at (512) 239-5533.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert E. Robinson".

Robert E. Robinson, P.E., Manager
Wastewater Permitting Section (MC-148)

RER/nj

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JAN 14 2000

Mr. Ron Pedde, Director
Water Permit and Resource Management Division (MC-145)
Texas Natural Resource Conservation Commission (TNRCC)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Pedde:

The Environmental Protection Agency (EPA) has completed its review of the request for a temporary variance to the Texas Water Quality Standards (WQS) [§307, Texas Surface Water Quality Standards, adopted June 14, 1995], which was submitted to EPA for review and approval on November 15, 1999, as required by 40 CFR §131.20. The variance applies to the aluminum and copper standards for Forney Branch in segment 0805 of the Trinity River Basin. Texas Utilities Electric Company (Permit No. 01251) is developing site-specific aquatic life criteria for aluminum and copper. During the three-year variance period, the permittee will be required to monitor and report on aluminum and to meet technology-based limits for copper. If site-specific criteria are not adopted by Texas or the permittee fails to complete the study for site-specific criteria, effluent limitations based on the current standards for aluminum and copper will become effective in the next permit.

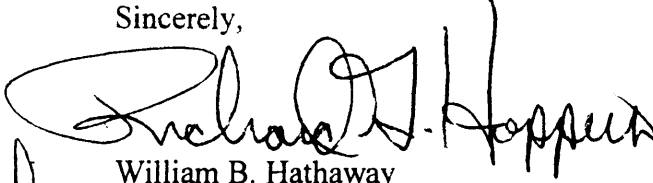
EPA has also completed informal consultation on the variance request with the U.S. Fish and Wildlife Service (FWS) under §7 of the Endangered Species Act. The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." The FWS concurred with EPA's finding that approval of a temporary variance is not likely to adversely affect endangered/threatened species or critical habitat. A separate consultation will occur on the site-specific criteria for aluminum and copper.

The State Attorney General has previously certified that the variance provision in the Texas WQS was duly adopted pursuant to State law. Public participation was completed through the comment period on the proposed permit. The federal regulation for public participation (40 CFR §25.5(b)) states that public notification must occur 45 days prior to the date of a hearing. It also states that the notification period may be reduced to 30 days when EPA determines that there are no complex or controversial matters to be addressed. EPA has decided that the 30 day notification period is sufficient for this variance request, as the temporary change to standards only applies to one specific water body. TNRCC received one comment on the temporary variance. The comment requested that the State hold a public hearing; however, the request for a public hearing was later withdrawn.

EPA considers the issuance of the variance, in conjunction with the public review and comment process completed by TNRCC, to be consistent with and satisfy, the procedural requirements of 40 CFR §131.20. EPA is hereby approving the variance identified above, pursuant to §303(c) of the Clean Water Act and the implementing regulations at 40 CFR Part 131.

If you have any questions, please contact me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,



William B. Hathaway
Director
Water Quality Protection Division (6WQ)

cc: Jim Davenport, TNRCC - Water Quality Assessment Section (MC-150)
Yvonna Pierce, TNRCC - Wastewater Permits Section (MC-148)

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

November 15, 1999

Mr. Bill Hathaway
6WQ-P
United States Environment Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Attention: Ms. Diane Evans

Re: Texas Utilities Electric Company - TPDES Permit No. 01251(EPA I.D. No. TX0001015)

Dear Mr. Hathaway:

This letter is to request your approval of a temporary variance to the Texas Surface Water Quality Standards (TSWQS) for aluminum and copper in Forney Branch for TPDES Permit No. 01251. Approval of the temporary variance has been recommended by the Texas Natural Resource Conservation Commission's (TNRCC) Water Quality Standards Team.

As you requested, I have enclosed a copy of the temporary variance request from the permittee and the affidavit for the public notice. There was a request for a public hearing on June 21, 1999, from the Piedmont-Scyene Homeowners Association, but the request was withdrawn on July 23, 1999. Copies of the request and withdrawal are enclosed. If you require any additional information, please feel free to contact me at (512) 239-5553.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Robinson".

Robert E. Robinson, P.E.
Manager
Wastewater Permitting Section (MC-148)

RER/yp

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

JAN 14 2000

Mr. Ron Pedde, Director
Water Permit and Resource Management Division (MC-145)
Texas Natural Resource Conservation Commission (TNRCC)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Pedde:

The Environmental Protection Agency (EPA) has completed its review of the request for a temporary variance to the Texas Water Quality Standards (WQS) [§307, Texas Surface Water Quality Standards, adopted June 14, 1995], which was submitted to EPA for review and approval on November 19, 1999, as required by 40 CFR §131.20. The variance applies to the aluminum standard for Welsh Reservoir in segment 0404 of the Cypress Creek Basin. Southwest Electric Power Company (Permit No. 01811) is developing a site-specific aquatic life criterion for aluminum. During the three-year variance period, the permittee will be required to monitor and report on aluminum and to conduct acute and chronic biomonitoring tests. If a site-specific criterion is not adopted by Texas or the permittee fails to complete the study for the site-specific criterion, effluent limitations based on the current standard for aluminum will become effective in the next permit.


EPA has also completed informal consultation on the variance request with the U.S. Fish and Wildlife Service (FWS) under §7 of the Endangered Species Act. The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." The FWS concurred with EPA's finding that approval of a temporary variance is not likely to adversely affect endangered/threatened species or critical habitat. A separate consultation will occur on the site-specific criterion for aluminum.

The State Attorney General has previously certified that the variance provision in the Texas WQS was duly adopted pursuant to State law. Public participation was completed through the comment period on the proposed permit. The federal regulation for public participation (40 CFR §25.5(b)) states that public notification must occur 45 days prior to the date of a hearing. It also states that the notification period may be reduced to 30 days when EPA determines that there are no complex or controversial matters to be addressed. EPA has decided that the 30 day notification period is sufficient for this variance request, as the temporary change to standards only applies to one specific water body. TNRCC received no comments on the temporary variance.

EPA considers the issuance of the variance, in conjunction with the public review and comment process completed by TNRCC, to be consistent with and satisfy, the procedural requirements of 40 CFR §131.20. EPA is hereby approving the variance identified above, pursuant to §303(c) of the Clean Water Act and the implementing regulations at 40 CFR Part 131.

If you have any questions, please contact me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,



for William B. Hathaway
Director
Water Quality Protection Division (6WQ)

cc: Jim Davenport, TNRCC - Water Quality Assessment Section (MC-150)
Yvonna Pierce, TNRCC - Wastewater Permits Section (MC-148)

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

November 19, 1999

Mr. Bill Hathaway
6WQ-P
United States Environment Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Attention: Ms. Diane Evans

Re: Southwest Electric Power Company - TPDES Permit No. 01811 (EPA I.D. No. TX0063215)

Dear Mr. Hathaway:

This letter is to request your approval of a temporary variance extension to the Texas Surface Water Quality Standards (TSWQS) for TPDES Permit No. 01811. A Texas Natural Resource Conservation Commission (TNRCC) permit was issued in October 1996 granting a temporary variance for aluminum in Welsh Reservoir. Approval of the site specific standard for aluminum in Welsh Reservoir and temporary variance extension has been recommended by the TNRCC's Water Quality Standards Team.

As you requested, I have enclosed a copy of the temporary variance request from the permittee and the affidavit of the public notice. There were no public comments or requests for a public meeting or hearing. If you require any additional information, please feel free to contact me at (512) 239-5553.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Robinson".

Robert E. Robinson, P.E., Manager
Wastewater Permitting Section (MC-148)

RER/yp

Enclosures